UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,971	07/28/2003	Isaac Dyck	85291-102 ADB	4085

23529 7590 09/22/2005

ADE & COMPANY
1700-360 MAIN STREET
WINNIPEG, MB R3C3Z3
CANADA

EXAMINER	
LOWE, MICHAEL S	

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,971	DYCK, ISAAC	
	Examiner	Art Unit	
	M. Scott Lowe	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 6/28/05.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☒ Claim(s) 14 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 28 June 2005 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

Claim 14 is objected to because of the following informalities: line ends in "the" which should be deleted for proper grammar. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10,12-15,17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Citrowske (US 6,179,546) in view of Rossato (US 4,848,732).

Re claim 1, Citrowske teaches a wheelchair lift apparatus for attachment to an automobile A comprising:

a platform 80 on which the wheelchair is arranged to be received;

a platform support 20;

a lifting mechanism supported;

a frame (not numbered);

the frame having thereon mounting members (not numbered) for attachment to an underside of the automobile arranged to support the frame on the vehicle with the frame horizontal and generally transverse to a length of the automobile;

the platform support 20 being movable while supported on the frame in a generally horizontal plane from a retracted transport position underneath the automobile to an extended operating position projecting outwardly to one side of the automobile;

the platform 80 being mounted on the lifting mechanism for movement relative to the platform support 20, with the platform support in the extended operating position, upwardly and downwardly between a lowered mounting position of the platform in which the wheelchair can enter onto the platform and a raised entry position in which the wheelchair can move from the platform onto a floor of the automobile.

Citrowske does not teach two lifting mechanisms each of which is supported within the channel of a respective one of the arms of the platform support and platform support comprising two parallel arms each of which has a longitudinal channel therein. Rossato teaches a platform support comprising two parallel arms 1 each of which has a longitudinal channel (not numbered) therein and two lifting mechanisms 2,2' each of which is supported within the channel of a respective one of the arms 1 of a platform support in order to protect the arms from being jammed by an outside object and to strengthen the device (by having two of each item). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Citrowske by Rossato to have a platform support comprising two parallel arms each of which has a longitudinal channel therein and two lifting mechanisms each of which is supported within the channel of a respective one of the arms of a platform support in order to protect the arms from being jammed by an outside object and to strengthen the device

(by having two of each item) and also to protect people from accidentally sticking the their hands into the device.

Re claim 3, Citrowske teaches the platform support 20 arranged such that it can slide into a hollow interior of the frame.

Re claim 4, Citrowske teaches the platform support and the frame generally rectangular in shape with front and rear edges parallel and at right angles to the length of the automobile.

Re claim 5, Citrowske teaches the platform having front and rear edges (not numbered) arranged at the front and rear edges of the platform support.

Re claim 6, Citrowske teaches the frame comprising a hollow container within which the platform and platform support can be received.

Re claim 7, Citrowske teaches the frame defines a depth on the automobile such that it is retained on the vehicle underneath the vehicle during travel and wherein the platform and platform support are contained within the depth of the frame.

Re claims 2, 8, Citrowske as modified in claim 1 teaches the lifting mechanisms comprise one or more actuators 250, which are received in one or more channels of the arms of the platform support so as to extend therealong parallel to the direction of sliding movement of the platform support.

Re claims 9,10, Citrowske as modified in claim 1 teaches the lifting mechanisms comprise one or more elongate cylinder actuators 250 which are received in one or more channels of the arms of the platform support so as to extend therealong in a plane generally parallel to the plane of the platform.

Re claim 12, Citrowske teaches the frame includes a pair of parallel spaced rails extending at right angles to the length of the automobile and wherein the parallel arms of the platform support are each arranged along a respective one of the rails and slidable therealong.

Re claim 13, Citrowske teaches each lifting mechanism comprises a pair of parallel levers 50,60.

Re claims 14,15, Citrowske teaches each lifting mechanism comprises a cylinder actuator 250 arranged to extend along a respective one of the arms 20 and operable to pull on a respective one of the levers 50,60.

Re claim 17, Citrowske teaches the platform 80 can be lowered to a height below that of the platform support 20 and raised to a height above the platform support 20.

Re claim 18, Citrowske teaches the platform 80 and platform supports 20 are carried wholly by the frame so as to be cantilevered in use from the side of the automobile.

Re claim 19, Citrowske teaches a wheelchair lift apparatus for attachment to an automobile A comprising:

a platform 80 on which the wheelchair is arranged to be received;

a platform support 20;

a lifting mechanism supported;

a frame (not numbered) comprising a hollow container within which the platform and platform support can be received;

the frame having thereon mounting members (not numbered) for attachment to an underside of the automobile arranged to support the frame on the vehicle with the frame horizontal and generally transverse to a length of the automobile;

the platform support 20 being movable while supported on the frame in a generally horizontal plane from a retracted transport position underneath the automobile to an extended operating position projecting outwardly to one side of the automobile;

the platform 80 being mounted on the lifting mechanism for movement relative to the platform support 20, with the platform support in the extended operating position, upwardly and downwardly between a lowered mounting position of the platform in which the wheelchair can enter onto the platform and a raised entry position in which the wheelchair can move from the platform onto a floor of the automobile.

Citrowske does not teach two lifting mechanisms each of which is supported within the channel of a respective one of the arms of the platform support and platform support comprising two parallel arms each of which has a longitudinal channel therein. Rossato teaches a platform support comprising two parallel arms 1 each of which has a longitudinal channel (not numbered) therein and two lifting mechanisms 2,2' each of which is supported within the channel of a respective one of the arms 1 of a platform support in order to protect the arms from being jammed by an outside object and to strengthen the device (by having two of each item). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Citrowske by Rossato to have a platform support comprising two parallel arms each of which has a longitudinal channel therein and two lifting mechanisms each of which is supported

within the channel of a respective one of the arms of a platform support in order to protect the arms from being jammed by an outside object and to strengthen the device (by having two of each item) and also to protect people from accidentally sticking the their hands into the device.

Re claim 20, Citrowske teaches a pivotal end plate 87 extending across the platform support at an end of the platform support opposite the automobile in the extended operating position, the pivotal end plate supported on the platform support for pivotal motion between a generally horizontal open position and a generally vertical closed position.

Claims 11,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Citrowske (US 6,179,546) in view of Rossato (US 4,848,732) as applied to claim 1, and further in view of Hall (US 4,058,228).

Re claims 11,16, Citrowske as modified in claim 1 teaches the lifting mechanisms comprise parallel levers each of which has one end pivotally attached to the platform and the other end pivotally attached to the platform support and which actuated by pulling one or more of the levers by one or more actuators 250 carried in one or more channels of the arms of the platform support. Citrowske does not teach the actuators 250 pulling a chain. Hall teaches an actuator 48 pulling a chain portion 82,90 that passes over an arc member 84,86,88 at a base of a respective one of levers 36,38 in order to create a mechanical advantage and to control platform speed of movement. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have modified Citrowske by the general teaching of Hall to have the actuator pull a chain portion that passes over an arc member at a base of a respective one of levers in order to create a mechanical advantage and control platform speed of movement.

Claims 1-10,12-15,17,18,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salas (US 4,134,504) in view of Rossato (US 4,848,732).

Re claim 1, Salas teaches a wheelchair lift apparatus for attachment to an automobile 21 comprising:

a platform 61 on which the wheelchair 27 is arranged to be received;

a platform support 39, etc. comprising two parallel arms each of which has a longitudinal channel therein;

two lifting mechanisms each of which is supported within the channel of a respective one of the arms of the platform support;

a frame 31-34,etc.;

the frame having thereon mounting members (column 3, lines 35-36) for attachment to an underside of the automobile arranged to support the frame on the vehicle with the frame horizontal and generally transverse to a length of the automobile;

the platform support being movable while supported on the frame 31-34,etc., in a generally horizontal plane (figures 4,5) from a retracted transport position underneath the automobile to an extended operating position projecting outwardly to one side of the automobile;

the platform 61 being mounted on the lifting mechanisms for movement relative to the platform support, with the platform support in the extended operating position, upwardly and downwardly between a lowered mounting position of the platform in which the wheelchair can enter onto the platform and a raised entry position (figure 5) in which the wheelchair can move from the platform onto a floor of the automobile 21.

Salas does not teach the lifting mechanisms supported within the channel of a respective one of the arms, which have a longitudinal channel therein, of the platform support. Rossato teaches a platform support comprising two parallel arms 1 each of which has a longitudinal channel (not numbered) therein and two lifting mechanisms 2,2' each of which is supported within the channel of a respective one of the arms 1 of a platform support in order to protect the arms from being jammed by an outside object and to strengthen the device (by having a channel structure which is stronger than a flat or angular structure). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Salas by Rossato to have a platform support comprising two parallel arms each of which has a longitudinal channel therein and two lifting mechanisms each of which is supported within the channel of a respective one of the arms of a platform support in order to protect the arms from being jammed by an outside object and to strengthen the device and also to protect people from accidentally sticking the their hands into the device.

Re claim 2, Salas teaches the lifting mechanisms comprise on parallel levers 103,104 each of which has one end pivotally attached to the platform and the other end pivotally attached to the platform support and which is actuated by pulling one or more

of the levers by one or more actuators 91 carried in one or more channels of the arms of the platform support.

Re claim 3, Salas teaches the platform support 39 arranged such that it can slide into a hollow interior of the frame 31-34,etc.

Re claim 4, Salas teaches the platform support and the frame generally rectangular in shape with front and rear edges parallel and at right angles to the length of the automobile 21.

Re claim 5, Salas teaches the platform 61 having front and rear edges (not numbered) arranged at the front and rear edges of the platform support.

Re claim 6, Salas teaches the frame 31-34, etc., comprising a hollow container within which the platform 61 and platform support 39 can be received.

Re claim 7, Salas teaches the frame defines a depth on the automobile 21 such that it is retained on the vehicle 21 underneath the vehicle during travel and wherein the platform and platform support are contained within the depth of the frame.

Re claim 8, Salas as already modified in claim 1 teaches the lifting mechanisms comprise one or more actuators 91, which are received in one or more channels of the arms of the platform support so as to extend therealong parallel to the direction of sliding movement of the platform support 39.

Re claims 9,10, Salas teaches the lifting mechanisms comprise one or more elongate cylinder actuators 91 which are received in one or more channels of the arms of the platform support so as to extend therealong in a plane generally parallel to the plane of the platform.

Re claim 12, Salas teaches (figures 4-6) the frame includes a pair of parallel spaced rails extending at right angles to the length of the automobile and wherein the parallel arms 39 of the platform support are each arranged along a respective one of the rails and slidable therealong.

Re claim 13, Salas teaches each lifting mechanism comprises a pair of parallel levers 101,103.

Re claims 14,15, Salas teaches each lifting mechanism comprises a cylinder actuator 91 arranged to extend along a respective one of the arms 39 and operable to pull on a respective one of the levers 101,103.

Re claim 17, Salas teaches the platform 61 can be lowered to a height below that of the platform support 39 and raised to a height above the platform support 39.

Re claim 18, Salas teaches the platform and platform supports are carried wholly by the frame so as to be cantilevered in use from the side of the automobile.

Re claim 19, Salas teaches a wheelchair lift apparatus for attachment to an automobile 21 comprising:

a platform 61 on which the wheelchair 27 is arranged to be received;

a platform support 39, etc. comprising two parallel arms each of which has a longitudinal channel therein;

two lifting mechanisms each of which is supported within the channel of a respective one of the arms of the platform support;

a frame 31-34,etc. comprising a hollow container (figures 1-2) within which the platform and platform support can be received;

the frame having thereon mounting members (column 3, lines 35-36) for attachment to an underside of the automobile arranged to support the frame on the vehicle with the frame horizontal and generally transverse to a length of the automobile;
the platform support being movable while supported on the frame 31-34,etc., in a generally horizontal plane (figures 4,5) from a retracted transport position underneath the automobile to an extended operating position projecting outwardly to one side of the automobile;
the platform 61 being mounted on the lifting mechanisms for movement relative to the platform support, with the platform support in the extended operating position, upwardly and downwardly between a lowered mounting position of the platform in which the wheelchair can enter onto the platform and a raised entry position (figure 5) in which the wheelchair can move from the platform onto a floor of the automobile 21.

Salas does not teach the lifting mechanisms supported within the channel of a respective one of the arms, which have a longitudinal channel therein, of the platform support. Rossato teaches a platform support comprising two parallel arms 1 each of which has a longitudinal channel (not numbered) therein and two lifting mechanisms 2,2' each of which is supported within the channel of a respective one of the arms 1 of a platform support in order to protect the arms from being jammed by an outside object and to strengthen the device (by having a channel structure which is stronger than a flat or angular structure). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Salas by Rossato to have a platform support comprising two parallel arms each of which has a longitudinal channel therein

and two lifting mechanisms each of which is supported within the channel of a respective one of the arms of a platform support in order to protect the arms from being jammed by an outside object and to strengthen the device and also to protect people from accidentally sticking the their hands into the device.

Claims 11,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salas (US 4,134,504) in view of Rossato (US 4,848,732) as applied to claim 1 and further in view of Hall (US 4,058,228).

Re claims 11,16, Salas teaches the platform 61 is carried on parallel levers 101,103 each of which has one end pivotally attached to the platform and the other end pivotally attached to the platform support 39 and which actuated by pulling one or more of the levers 101,103 by one or more actuators 91 carried on the platform support 39. Salas does not teach the actuators 91 pulling a chain. Hall teaches an actuator 48 pulling a chain portion 82,90 that passes over an arc member 84,86,88 at a base of a respective one of levers 36,38 in order to create a mechanical advantage and to control platform speed of movement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Salas by the general teaching of Hall to have the actuator pull a chain portion that passes over an arc member at a base of a respective one of levers in order to create a mechanical advantage and control platform speed of movement.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salas (US 4,134,504) in view of Rossato (US 4,848,732) as applied to claim 1 and further in view of Citrowske (US 6,179,546).

Re claim 20, Salas does not teach a pivotal end plate. Citrowske teaches a pivotal end plate 87 extending across the platform support at an end of the platform support opposite the automobile in the extended operating position, the pivotal end plate supported on the platform support for pivotal motion between a generally horizontal open position and a generally vertical closed position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Salas by the general teaching of Citrowske to have an end plate in order to protect the lift from road debris and also to protect people from accidentally sticking the their hands into the device.

Conclusion

Applicant's arguments with respect to claim limitations relating to the channel structure and end plate have been considered but are moot in view of the new ground(s) of rejection.

Applicant's remaining arguments filed 6/28/05 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., paragraphs 5-7 of the remarks section) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argued that Salas does not teach the frame having a hollow container. However, a container as defined by Merriam-Webster's Collegiate Dictionary, 10th edition is just a receptacle that holds goods. Thus there is no requirement that the container have totally solid walls or completely surround the object it holds.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl

EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600